

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 93/2023(WZ)

IN THE MATTER OF:-

TALOJA INDUSTRIES ASSOCIATION

APPLICANT

VERSUS

MOEF&CC & ORS.

RESPONDENT(S)

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*IL*  
केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
क्षेत्रीय निदेशालय, पुणे/Regional Directorate, Pune  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
M/o Emt. Forest & Climate Change, Govt. of India  
सर्वे नं. ११०, हीराबाई धनकुटे हॉल, बाणेर रोड, बाणेर, पुणे - ४११०४५  
Sr. No. 110, Hirabai Dhankute Hall, Baner Road, Baner, Pune-411045

Place: Pune

Date: 10/01/2024

*Pratik D. Bharne*

(Pratik D. Bharne)

In-Charge: Regional Director

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
ORIGINAL APPLICATION NO. 93/2023(WZ)**



**IN THE MATTER OF: -**

**TALOJA INDUSTRIES ASSOCIATION**

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**VERSUS**

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**RESPONDENT(S)**

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3, CENTRAL  
POLLUTION CONTROL BOARD (CPCB)**

I, Pratik Dinkarrao Bharné, S/o Shri Dinkarrao Bharné, aged 50 years, working as Scientist 'E' and In-charge: Regional Director in the Regional Directorate, Central Pollution Control Board, Pune, do hereby solemnly affirm and declare as under:

That I am presently working in the capacity of Scientist-E and In-charge: Regional Director at Central Pollution Control Board (hereinafter referred to as "CPCB"), and have been authorized to file the present affidavit on behalf of the Respondent No. 3 (CPCB). I have read and understood the contents of the Application and I am conversant with the facts and circumstances of the present case.

1. That para-1 to para-5 are regarding addresses of the Applicant & respondents, prayer for directions to the respondents, description of the Applicant & Respondents, hence need no comments from this Answering Respondent.
2. That para-6 is about representation submitted by the Applicant to Respondent No. 4 Maharashtra Pollution Control Board (hereinafter referred to as MPCB) for rationalization of the standards towards MSME sector. In this regard, the following is humbly submitted:
  - i. Ministry of Environment, Forest and Climate Change (hereinafter referred to as MoEF&CC), Government of India, notifies standards for discharge/emission of environmental pollutants under Schedule-I: 'Standards

for Emission or Discharge of Environmental Pollutants under the Environment (Protection) Rules, 1986. Industrial sectors for which specific standards are not available, general standards as notified under Schedule-VI of Environment (Protection) Rules, 1986 are applicable.

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- ii. As per MoEF&CC Notification S.O. 4(E), dated 1.1.2016, the State Pollution Control Board/Pollution Control Committee (hereinafter referred as SPCBs/PCCs) are required to prescribe inlet quality standards for each Common Effluent Treatment Plant (hereinafter referred to as CETP) as per the design of the CETP and local needs and conditions.
  - iii. SPCBs/PCCs are also required to prescribe the separate outlet norms to individual member industries considering the local needs and condition and design/treatment capacity of CETP, in order to comply with the prescribed CETP inlet norms.
  - iv. The SPCBs/PCCs issue consent to establish/consent to operate (hereinafter referred to as C.T.E/C.T.O) and authorization to the industries in the States. SPCBs/PCCs monitor the compliance of industrial emissions/effluent discharges and other activities. In case of non-compliance, action against industry is taken under provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986.
3. That para-7 is about representation submitted by the Applicant to Respondent No. 5 for maintaining buffer zone in the industrial area, considering the enormous growth in residential sectors. The Applicant has given reference about the Guidelines (copy given at Annexure A-8 of the Application) published by the Respondent no. 3 i.e. CPCB on "Criteria for Hazardous Waste Landfills", which are matter of records. In this regard, it is humbly submitted that the SPCBs/PCCs issue consent to establish/consent to operate and authorization to the industries in the States. SPCBs/PCCs monitor the compliance of industrial emissions/effluent discharges and other activities. In case of non-compliance, action against industry is taken under provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986.

4. That para-8 to para-13 is about establishment of CETP-Taloja by the Applicant, formation of Co-operative Society, concept & advantages of CETP, financial assistance to the CETP and minimal national standards. The same are matter of records and need no comments from this Answering Respondent.
5. That para-14 (a to c) is about the communications from the Applicant to CETP-Taloja, which are matter of records and need no comments from this Answering Respondent.
6. That para-15 is about the consent issued by Respondent No. 4 i.e. MPCB about discharging of CETP treated effluent into marine water (Waghavali creek) at a point designated by National Institute of Oceanography (hereinafter referred to as NIO), hence needs no comments from this answering Respondent.
7. That para-16 is about Hon'ble NGT order dated 28.11.2019 in OA No. 2 of 2017 (WZ) and minutes of CPCB meeting held on 11.3.2020 placed at Annexure-A-10 & Annexure-A-11, respectively, of the application. These are matter of records. SPCBs/PCCs are required to prescribe the separate outlet norms to individual member industries considering the local needs and condition and design/treatment capacity of CETP, in order to comply with the prescribed CETP inlet norms.
8. That para-17 is about the communications between the Applicant and Respondent No. 4 (MPCB), which are matter of records and need no comments from this answering Respondent.
9. That the averments made in para-18 (a to h) are about prescribing norms for individual member units. In this regard, the following is submitted:
  - i. Ministry of Environment, Forest and Climate Change (hereinafter referred to as MoEF&CC), Government of India, notifies standards for discharge/emission of environmental pollutants under Schedule-I: Standards for Emission or Discharge of Environmental Pollutants under the Environment (Protection) Rules, 1986. Industrial sectors, for which specific standards are not available, general standards as notified under Schedule-VI of Environment (Protection) Rules, 1986 are applicable.
  - ii. As per MoEF&CC Notification S.O. 4(E), dated 1.1.2016, the SPCBs/PCCs



are required to prescribe inlet quality standards for each CETP as per the design of the CETP and local needs and conditions.

- iii. SPCBs/PCCs are also required to prescribe the separate outlet norms to individual member industries considering local needs and conditions and design/treatment capacity of CETP, in order to comply with the prescribed CETP inlet norms.

10. That para-19 is about the industries in Talaja MIDC, employment generation, industrial production and exports. The same are matter of records and need no comments from this answering Respondent No.3 (CPCB).
11. That para-20 is about stipulating the effluent standards of BOD & COD for the member industries discharging treated effluent into CETP-Talaja. In this regard, this Answering Respondent reiterates the comments provided at para 9 of this affidavit.
12. That para-21 is about the submission made by the Applicant that Respondent No. 4 (MPCB) is not following the policy pattern like that of Gujarat Pollution Control Board and other SPCBs about prescribing norms for individual member units. In this regard, this answering Respondent reiterates the comments provided at para 9 of this affidavit.
13. That para-22 is about submission made by the Applicant regarding the Respondent No. 4 (MPCB) prescribing COD @ 250 mg/l and BOD @ 30 mg/l for discharge of treated effluent form member units into CETP. In this regard, this Answering Respondent reiterates the comments provided at para 9 of this affidavit.
14. That para-23 is about submission made by the Applicant regarding the Respondent No. 4 (MPCB) issuing directions and consent condition stipulating Zero liquid discharge (hereinafter referred to as ZLD) for most of the industries at Talaja. In this regard, this answering Respondent humbly reiterates the comments provided at para 9 of this affidavit.

15. That para-24 is about submission made by the Applicant regarding the reason to approach Hon'ble NGT. It needs no comments from this answering Respondent.
16. That para-25 is about the communications between the Applicant and Respondent No. 4 (MPCB), regarding the compliance of Hon'ble NGT order dated 27/02/2023 in OA No. 17 of 2023 (WZ). It needs no comments from this answering Respondent.
17. That para-26 (a to j) is regarding several grounds for the present application put forth by the Applicant i.e. Taloja Industries Association to approach the Hon'ble NGT. It needs no comments from this answering Respondent No.3 (CPCB).

That in light of the above submissions, it is respectfully submitted that this answering Respondent No. 3 (CPCB) shall abide by any order or directions passed by this Hon'ble Tribunal.

IC क्षेत्रीय निदेशक / Regional Director  
**केंद्रीय प्रदूषण नियंत्रण बोर्ड**  
**Central Pollution Control Board**  
 क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune  
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
 M/o Env't. Forest & Climate Change, Govt. of India  
 सर्वे नं. ११०, हीराबाई धनकुडे हॉल, बाणेर रोड, बाणेर, पुणे - 411045  
 Sr. No. 110, Hirabai Dhanukude Hall, Baner Road, Baner, Pune-411045

*De. Chitnis*

DEPONENT

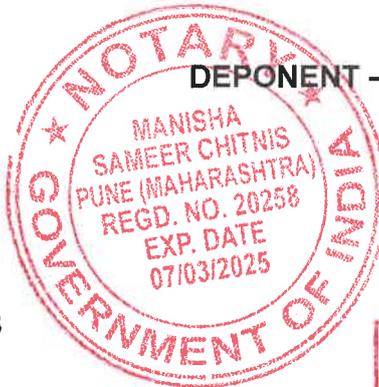
**VERIFICATION**

Verified at Pune on this ..... day of January, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

IC क्षेत्रीय निदेशक / Regional Director  
**केंद्रीय प्रदूषण नियंत्रण बोर्ड**  
**Central Pollution Control Board**  
 क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune  
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
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 Sr. No. 110, Hirabai Dhanukude Hall, Baner Road, Baner, Pune-411045

*De. Chitnis*

DEPONENT – Respondent No. 03



COUNSEL for Respondent No. 03

**Noted & Registered**  
 At.Sr.No. *22/2024*



**BEFORE ME**

*De. Chitnis*

MANISHA SAMEER CHITNIS  
 NOTARY  
 GOVERNMENT OF INDIA

10 JAN 2024